

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 21 and 26 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-26 are now pending in this application.

**Claim Rejections – 35 U.S.C. § 102(e)**

1. Claim rejections as being anticipated by Mayne, et al.

The Examiner rejected claims 1-4, 6-14, and 16-20 under 35 U.S.C. § 102(e) as being anticipated by Mayne, et al., US 2004/0025047. Applicants respectfully submit that Mayne, et al. is not a priority reference under 35 U.S.C § 102(e). In *In Re Hilmer*, 359 F.2d 859, 149 USPQ (BNA) 480, the court held that § 119 did not modify the express provision of § 102(e). The national foreign filing date has no impact on the effective date of a United States patent or an international patent as a reference under § 102(e). The international application is defined in § 351(a) as a PCT application. Thus, the effective date as prior art of the cited application is its PCT filing date of June 13, 2001, under § 102(e). Applicants filed the above-referenced

application on May 30, 2001 which is before the effective date of Mayne et al. The Examiner erred in relying on the foreign filing date for the cited application as reference under § 102(e) in rejecting Applicants' claims. Accordingly, claims 1-4, 6-14, and 16-20 are not anticipated by Mayne et al. under 35 U.S.C § 102(e).

Based on Applicants' submissions, Applicants respectfully request that the Examiner withdraw the rejections of claims 1-4, 6-14, 16-20 as being anticipated by Mayne, et al.

2. Claim rejections as being anticipated by Wang.

The Examiner rejected claims 1, 11, 5, 15, 21, 22, 23, and 24 under 35 U.S.C. § 102(e) as being anticipated by Wang, US Pat. Appl. No. 2002/0160745.

Applicants respectfully disagree that claims 1, 5, 22, 23, 24 are anticipated by Wang because Applicants recite a mobile resources server coupled to the communication network that is not anticipated by the cited application. The role of the mobile resources server is to provide a discoverable service which can inform wireless mobile devices of resources available to them. (Blight, et al. Application specification, ¶ 39.) “While individual resources may be discovered by mobile device 280, it is desirable to have a more centralized repository of available resources to simplify the discovery process. Multiple mobile resource servers may exist on one network, although one would be optimal to reduce processing requirements on the client.” (Blight, et al., Application specification, ¶ 39.) Wang teaches plural information sources, a collection of resources, not the “centralized repository of available resources” taught by Applicants, in the Location-Aware Network System 10. Since the mobile resources server is a recited element of claims 1, 5, 22, 23, 24, these claims are not anticipated by Wang.

In addition, Applicants respectfully disagree with the rejection of claim 1 because Applicants also recite a mobile device coordinator not anticipated by Wang. The mobile device coordinator contains more information than the current geographic locations provided by mobile devices 20 in Wang's Location-Aware Network System 10. Besides the geographic locations of mobile devices, the mobile device coordinator will also keep information of a mobile device such as location history, capabilities, network Gateway/Interface, access restriction/privileges and user specified preferences and filters. (Blight, et al, Application Specification, ¶¶ 45, 46.) The additional information is important to the efficiency of the system recited in claim 1. Thus, again, claim 1 is not anticipated by Wang.

Applicants also respectfully disagree with the rejection of claim 11 as anticipated by Wang. Applicants recite a communication system that includes a centralized management system configured to manage and control mobile device resources. Applicants further recite that the centralized management system may contain one or more mobile resources servers and a mobile device coordinator and other components. As discussed above, Wang does not teach a mobile resources server or a mobile device coordinator. Accordingly, Claim 11 is not anticipated by Wang.

Further, Applicants again respectfully disagree that claims 5 and 15 are anticipated by Wang. In claims 5 and 15, Applicants recite a network infrastructure of claim 1 or a communication system of claim 11 respectively that serves a shopping area. In contrast, Wang teaches providing *information* about a shopping mall through a general broad network. Thus, Applicants teach a direct service in providing focused information of the shopping area that is more efficient, less expensive and easier to implement than what Wang teaches. Accordingly, claim 5 is not anticipated by Wang.

Applicants amended claim 21 by reciting a “mobile device coordinator”. (Blight, et al. Application Specification, ¶ 50.) Thus, for the reasons discussed above with respect to Claim 1, amended claim 21 is not anticipated by Wang.

3. Claim rejection as being anticipated by Marquette, et al.

The Examiner rejected claim 26 under 35 U.S.C. § 102(e) as being anticipated by Marquette, et al., US Patent No. 6,499,053.

Applicants respectfully amended claim 26 by reciting a mobile device coordinator (“MDC”). (Blight, et al., Application Specification, ¶ 55.) Applicants recite a mobile device coordinator in a mobile device messaging service that will keep information of a mobile device such as geographic location, location history, capabilities, network Gateway/Interface, access restriction/privileges and user specified preferences and filters. (Blight, et al., Application Specification, ¶¶ 45, 46.) Marquette, et al. teaches a master/slave architecture for a distributed chat service and does not teach the use of a mobile device coordinator. Accordingly, the amended claim 26 is allowable.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date July 21, 2004

By Alistair K. Chan

FOLEY & LARDNER LLP  
Customer Number: 26371  
Telephone: (414) 297-5730  
Facsimile: (414) 297-4900

Alistair K. Chan  
Attorney for Applicant  
Registration No. 44,603